

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	Case No. 3:17-cv-197
Plaintiff,)	
)	Hon. Walter H. Rice
v.)	
)	
JEFFREY W. DAVIS, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

Joint Motion for Order of Distribution of Net Sale Proceeds

Plaintiff United States of America and Defendants Jeffrey W. Davis, Laura K. Davis, First Commonwealth Bank, and Montgomery County, Ohio jointly request that the Court enter the accompanying proposed order of distribution of the net proceeds of the sale of the commercial townhouse at 2208 Woodman Drive, Kettering, Ohio 45420 (the “subject property”) by Allan Cummings of HRI Commercial Realty, who it appointed as Receiver to sell the subject property.

On May 25, 2022, the Court entered an order approving the sale of the subject property by Mr. Cummings, as Receiver, to Buyers Melissa A. Berry and Dario Rodriguez.

On July 25, 2022, a closing for the sale was held by First American Title Company Insurance Company (the “title company”). At the closing, the Seller’s share of closing costs, the commission owed to the Receiver, reimbursement to the Receiver for the amounts he paid for repairs and renovation of the subject property, and outstanding real property taxes owed to Montgomery County, Ohio were paid from the gross proceeds of sale. The title company is holding net proceeds in the amount of \$51,638.11. *See* Exhibit A, a copy of the final settlement statement.

After Montgomery County, Ohio, First Commonwealth Bank has the next most senior lien against the subject property. Doc. 27 at 5, Stipulation and Agreed Order Regarding Lien Priority. As of July 14, 2022, the balance owed on the bank's claim was \$56,178.75. *See* Exhibit B, an email with a payoff figure from the bank's counsel. Its claim exhausts the net proceeds.

Conclusion

Based on the discussion above, the Court should order the title company to disburse the net proceeds it is holding in the amount of \$51,638.11 to First Commonwealth Bank. For that purpose, the parties request that the Court enter the accompanying proposed order.

After entering an order of distribution, the Court may close the case. The United States reserves the right to obtain an order reopening the case if the Davises default on the settlement agreement that they entered into with the United States.

FOR THE UNITED STATES OF AMERICA:

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FOR JEFFREY W. DAVIS, LAURA K. DAVIS, JEFF DAVIS INSURANCE AGENCY, INC., and THE JLD ASSET MANAGEMENT COMPANY, JEFFREY W. DAVIS AND LAURA K. DAVIS, DIRECTORS:

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of August, 2022, I electronically filed the foregoing **Joint Motion for Order of Distribution of Net Sale Proceeds** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Denis Blasius, counsel for Jeffrey W. Davis, Laura K. Davis, and Jeff Davis Insurance Agency, Inc., at dblasius@ihtlaw.com

Carey Kathleen Steffen, counsel for First Commonwealth Bank, at cksteffen@arh-law.com

Michele Denise Phipps and Adam M. Laugle, counsel for Montgomery County, at phippsm@mcchio.org and lauglea@mcchio.org

/s/ Alan Shapiro

ALAN SHAPIRO

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U.S. Department of Justice, Tax Division

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ORDER OF DISTRIBUTION OF NET SALE PROCEEDS

Before the Court is the *Joint Motion for Order of Distribution of Net Sale Proceeds*. As explained in the motion, on May 25, 2022, the Court entered an order approving the sale of the commercial townhouse at 2208 Woodman Drive, Kettering, Ohio 45420 (the “subject property”) by Allan Cummings of HRI Commercial Realty, who it appointed as Receiver to sell it, to Buyers Melissa A. Berry and Dario Rodriguez. On July 25, 2022, a closing for the sale was held by First American Title Company Insurance Company (the “title company”). At the closing, the Seller’s share of closing costs, the commission owed to the Receiver, reimbursement to the Receiver for the amounts he paid for repairs and renovation of the subject property, and outstanding real property taxes owed to Montgomery County, Ohio were paid from the gross proceeds of sale. The title company is holding net proceeds in the amount of \$51,638.11. Based on a Stipulation and Agreed Order Regarding Lien Priority, Doc. 27 at 5, after Montgomery County, Ohio, First Commonwealth Bank has the next most senior lien against the subject property. As of July 14, 2022, the balance owed on the bank’s claim was \$56,178.75. Its claim exhausts the net proceeds. The parties jointly request, and the Court agrees, that the net proceeds should be paid to the bank. It therefore is hereby

ORDERED that First American Title Company Insurance Company disburse the net proceeds that it is holding in the amount of \$51,638.11 to First Commonwealth Bank, and it is

ORDERED FURTHER that the case is closed, and it is

ORDERED FURTHER that the United States reserves the right to obtain an order reopening the case if the Davises default on the settlement agreement that they entered into with the United States.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Date: _____, 2022.

WALTER H. RICE
UNITED STATES DISTRICT JUDGE